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OFFICE OF PETITIONS

In re Patent No. 6,952,440 :
Issue Date: October 4, 2005 :
Application No.: 09/551,802 : NOTICE
Filed: April 18, 2000 :
Attorney Docket No.: M-15557 US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 30, 2005 (certificate of mailing date November 28, 2005).

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. The change of status to a large entity has been entered and made of record.

This file is being forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions